

# The Newberry Herald and News.

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## SUBSTITUTE FOR LYNCHINGS.

THE FIRST SPECIAL COURT HELD IN FLORENCE.

It Answered Its Object Very Well—Only the Officers of the Court and the Necessary Witnesses were Present During the Examination of the Witnesses for the State—The Negro, who was on Trial for the Most Heinous Crime Known to the Law, had Made a Full Confession and Counsel Offered no Evidence—His Conviction was Speedy and he was Sentenced to be Hanged on April 25th.

[Special to News and Courier.]

Florence, March 31.—On March 5, Julius Gibbs, a negro man, about 20 years old, was arrested in this county, charged with rape. His victim was Mrs. Daisy Lee Haynes, wife of a well known and respectable farmer, residing about twenty miles from this town. A lynching was narrowly averted, the details of which are well known. The special term of Court ordered for the trial, Judge Purdy presiding, met promptly at 10 o'clock this morning. Solicitor Wilson was at his post of duty also and all technical preliminaries received careful consideration in organizing the Court.

Florence Court House has never held such a crowd as was within its walls today. Old, young, white and black, all callings, including several ministers, were present, and the crowd was so large that Court officials had much difficulty in moving around in the discharge of their duties. The behavior of the crowd was such as usually marks our important occasions, the interest shown being almost intense. This was the first legal trial for such a crime in Florence County, a county where the first execution will take place on April 25, when Julius Gibbs will expire on the gallows the terrible crime of rape.

Absolute silence attended all the preliminaries, a silence that became dramatic when Solicitor Wilson asked Sheriff Burch to "bring in the ladies." They came as soon as passage way could be made, Mrs. Haynes accompanied by her mother-in-law, a quiet faced, aged lady in black. At this juncture their presence was necessary only a few moments, when they retired, to appear again when they had to testify.

Judge Purdy then charged the grand jury, and his charge, while very brief and specific, covered all points and left nothing to be misunderstood. The indictment was handed to the jury which retired and returned with a true bill in twenty minutes.

Then Julius Gibbs, handcuffed and with his hat on, was put in the dock. He is an ordinary looking, black negro, and the stern faces by which he was surrounded pitilessly reflected the hopelessness depicted upon his own countenance. He looked like a drowsy man and seemed to be almost in a semi-conscious condition. When he had to say something his trembling lips continued to move after his words ceased to be audible. Nothing aroused him and he moved to his doom like a sleepy animal.

Messrs. Wilcox & Wilcox were requested by Judge Purdy to defend the prisoner, who had no counsel. Mr. P. A. Wilcox, in accepting the disagreeable duty, remarked that a request from his Honor was equivalent to a command. Later he asked for assistance and Mr. Ship was requested to assist in the defence, and for an hour these attorneys consulted with the prisoner. Then a jury was empanelled, being sworn on their voir dire, after which a recess was ordered until 3 o'clock to allow further consultation with the prisoner.

At this hour the trial was resumed. Solicitor Wilson, counsel for the defence concurring, asked that the house be vacated by all but witnesses and officers of the Court. Judge Purdy answered that he knew only a request would be necessary, and in a few minutes only vacant seats were seen. The evidence against the poor wretch was simply overwhelming, including a free confession to the prisoner's father, made in the sheriff's presence. The de-

fence had no witnesses, so counsel stated. Solicitor Wilson made a brief but spirited address to the jury and was followed by fearless remarks from Mr. Wilcox, who with his colleagues, ably discharged their duty. Judge Purdy's charge to the jury was a model of absolute fairness and impartiality. There could be no doubt of the prisoner's guilt and the jury returned a verdict of guilty in a few minutes.

The prisoner was sentenced to be hanged on Friday, April 25, and when his doom was spoken he sank to the floor gasping and terror-stricken. The jury was composed wholly of intelligent white men and the entire conduct of the case was admirable. Judge Purdy requested that the audience maintain its good behavior and make no demonstration when the verdict was announced, but had to suppress a rising demonstration just prior to adjournment. He also firmly commended the men of the county for their fine tribute to the power of the law. Many expressions of opinion were heard during the day from law-abiding citizens regarding the advisability of this first special Court held in South Carolina to punish the crime of rape. The conduct of the Court was perfect, everything was done in order, every technicality met proper observance and the law was vindicated. For a woman to have to testify in such circumstances is a frightful ordeal. It is a hard remedy for lawlessness; it is a bitter path to justice that forces a woman to face all that involves testifying in such a case. This was heard on every side in spite of the great consideration shown by all concerned in the trial here today.

## CAROLINA SHERIFFS HONORING THE STATE.

Sheriff Douglass of Chesterfield Does His Duty Bravely—And Mob, As Usual, Sinks Away.

[Special to The State.]

Cheraw, March 31.—We had what is thought to be the nearest approach to a lynching last night at Chesterfield C. H. that has ever occurred in the county. The negro, Will Brewer, who killed Mr. Mann at Hornsboro in January, and who has been at large since, was captured by Sheriff Douglass last Saturday at Nashville, Ga., and brought back to our county for trial. Last night Sheriff Douglass got wind of a report that a posse of men from the upper part of the county were going to take Brewer out of jail. He placed six men in jail and waited to see if there was any truth in the report. About 10 o'clock 60 or 70 men, some of them masked, arrived at the court house. Several representatives went to the jail door and demanded the keys. Sheriff Douglass met them and refused to deliver them. He ordered the men to leave at once or he would have to kill them. They withdrew from the door, but quite a number came into the jail yard. The sheriff then raised a window and ordered them to leave or he would have to fire on them. After consultation they withdrew and the affair ended without bloodshed. The men were orderly and quiet, but seemed determined.

Mother.

[Southern Farm Magazine for April.]

The secret of the sweetness and light of the American home has been respect and reverence for parents, especially for the mother. These were responsible for the conservatism of the South, which still persists and which makes much toward the pure Americanism of that section. For reverence for the mother naturally develops, through her, into reverence for wife and sister and for all women, not the gallantry shown in dress parade preening and plumping, but the consistent conduct in public and in private deeply rooted in the conviction that the mother is the real, dominant power for good in society, and, therefore, worthy, with all her fellows, of the most profound homage. She represents in the highest degree the source of parental authority.

## WYATT AIKEN FOR CONGRESS.

Something About Him and His Fitness For The Position.

[Anderson Daily Mail.]

Anderson, S. C., March 17, 1902. Mr. Editor: Permit me through the columns of your valuable paper to endorse the candidacy of the Honorable Wyatt Aiken for congress from this, the third district, in the coming democratic primary. Perpetuating as he does the good name of his illustrious father, illustrating also that faithful devotion to duty which characterized his sire, he needs no introduction at my hands to the people of this county. My only apology for attempting to point to his clean record and his fitness for congressional honors shall be that his own tongue, unlike that of the small politician of the day, disdains to proclaim in blatant tones the lavish praises of self praise. All honor to his modest, honest soul; for, scorning the petty deceptions and the wiles of the political mystic maze, he prefers rather to make his race a race on issues than one appealing to the passions of partisans, to personal or hereditary friendships, or to his own magnetic, magnanimous personality. I shall then not transgress upon his prerogative to present the issues upon which he will wage his battle royal but shall direct attention more especially to his record as a private man.

He was reared on a farm in Abbeville (now Greenwood) county and as a farmer was always successful. His talents however called him into another profession in which it was his pleasure to remain in close, confidential elbow-touch with his former fellow-tillers of the soil. His deep interest in their welfare was manifested at all times in a practical manner so that none ever doubted his sincerity nor ever questioned the genuineness of his interest. For him politics had no charm, he sought no personal aggrandizement, he had no desire for political preferment, but by his merit he was called to act as official court stenographer eighteen years ago and has since then filled the position with honor and credit to himself and with eminent satisfaction to the officials of the court and to the public. His uniform courtesy to all, regardless of caste or fortune, have won for him, during the continuous itinerary of eighteen years, golden opinions in the minds of hundreds who will be delighted to honor him with their ballots. The race for congress is not by any means of his own choosing, for he has heretofore resisted the urgent appeals made by his friends to allow the use of his name but the pressure became too strong, its spontaneity became too evident and he was swept into the race in spite of himself. Now that he has accepted the standard, he will make an aggressive race and a winning race.

Not alone in private life has he served his country but true to his heroic nature and patriotic soul he volunteered in the Spanish war as a private and shouldered his musket as a member of the Abbeville military company, in which capacity he served in the First S. C. V. I. Regiment one month, when for meritorious services he was promoted to Battalion Adjutant. During the whole of his service he was Acting Regimental Quartermaster and it is worthy of note that his accounts with the government, involving over \$100,000, checked out to a cent. Here, as in every other capacity, he served with equal satisfaction to officers and men and here also he endeared himself to all with whom he came in contact by his big-hearted generosity and thoughtfulness of the comfort of the sick. I refer to this at risk of his displeasure, for I am aware as are those who witnessed and were the recipients of his knightly treatment, that it was his desire that his name should not be known in connection with his generous acts, but in his own unostentatious way.

"He did good by stealth And blushed to find it fame."

Many a poor, sick soldier owes his life to this benefactor for taking him from the hospital, sending him home

at his own expense and taking the risk of securing his furlough after he was safe at home.

He is especially a friend to the young men of the district, he having secured employment for a larger number of young men than any man in this district, barring, of course, members of congress. This is a fact not generally known but one that can easily be verified by a search of the record. This is a splendid tribute to his popularity and influence and is mentioned merely to show the influence he would wield in our national-law making body. He is public spirited and looks with zealous pride upon the advancement of his native country. In his own town he is regarded as a safe, conservative counsellor in the matter of internal improvements and it is by his efforts that the cotton mill, water works and telephone system of his town were established upon a paying and satisfactory basis. He is recognized as a prudent financier and as a close student of all economics. He is well versed in the great public questions from a statistical and logical point of view and with his quick mind and ready tongue, with his knowledge of legislative procedure and congressional precedent, with his close association with the people of his district for the past eighteen years and a consequent knowledge of their needs he will make us a model congressman and one that we need not be ashamed to continue in office.

V. B. C.

## SPECIAL TERMS OF COURT.

No Less Than Seven Have Now Been Ordered—Newberry's Request Withdrawn.

Columbia, March 25.—The custom of calling special and extra terms of court is growing. The complaint is made that the dockets in the various counties are getting so badly crowded that something has to be done to relieve the congestion. The special terms of court offer excellent opportunities for the various counties to get rid of the alleged piling up of litigation, and the only trouble is that too often the lawyers report that they are not ready to have their cases tried, and in that way, while the dockets look badly crowded, the lawyers allow nothing to be done, and it only remains for the judges to insist upon trials or dismissals.

The following special terms of court have been ordered within the last few weeks:

General Sessions for Union county, J. H. Hudson, special judge, March 31, for ten days.

Common Pleas for Barnwell, W. C. Benet, special judge, April 28, for three weeks.

General Sessions for Florence, R. O. Purdy, special judge, March 31.

General Sessions for Laurens county, R. O. Purdy, special judge, second Monday in April for ten days.

General Sessions for Greenville county, Jas. P. Carey, special judge, April 14, for two weeks.

Common Pleas for Newberry county, W. F. Stevenson, special judge, April 21, for ten days.

Common Pleas for Kershaw county, special judge to be named, first Monday in July for ten days.

This provides for seven extra terms of the court, which the local bars have deemed necessary and expedient.

The general assembly has never made any special appropriation for the pay of the judges who hold these special terms of court, and they have always been regularly paid out of the contingent fund. It will be seen that the special courts that have already been ordered call for seventy-nine days, and one term is left open as to the number of days. The special judges are paid little enough, \$10 a day, and so the special terms of court already ordered will cost at about \$1,000 of the governor's contingent fund and the prospect now is that other special terms of court will be asked for.

There can be no question that these special terms of court give the counties the chance to relieve the congestion of litigation, but at the same time are of but little use if the judges are constantly asked to continue cases, even after special terms of court are ordered to dispose of them.

## SKETCHES OF ARMY LIFE.

Interesting Incidents of the Civil War Related by "X. Con. Fed." A Member of Third S. C. Regiment.

We spent the winter at Russellville, Tenn., and such a winter it was. We were nearly all barefooted and without sufficient clothing. Finally the railroad from Virginia was repaired, and we got fairly shod and clothed. Here some more soldiers were shot. We kept up our drilling and guard duty. During the winter we took one tramp. We went to Dandridge, distant from Russellville about 30 miles. I was detailed to carry the colors on this trip. In the early spring we moved to New Market nearer Knoxville. We subsisted during the winter from the country. We usually had meat plenty but bread was scarce. We finally moved back to Bull's Gap and then back to Greenville. Here we were paid off, and I never saw as much gambling anywhere. Then we took up the march to Bristol. Here our rations were scant indeed and of the poorest quality. The bread consisted of what was called "Tax in Kind," wheat, oats and chaff were ground up without bolting; we were only given three quarters of a pound per day of such stuff. I have sat down and eaten what was issued for three days at one meal, and then depended on what could be picked up. On this trip some soldier stole from me about 15 lbs. of flour. At Bristol some of the troops charged the commissary house, and a few were shot, but the boys got away with a good deal of flour. We took the train at Bristol for Lynchburg. It was about the middle of April, but there were snow showers all day. After spending a day or two at Lynchburg we took train for Charlottesville. Here we quit the train and marched to Gordonsville. Here were great religious meetings—preaching every day and night. The 3d regiment had less preaching than any regiment that I know of. While in Columbia Uncle Dicky Woodruff preached some for us.

When we went to Virginia a Baptist minister of the Reedy River Association was appointed chaplain; he preached two or three times during the time he was with us; his greatest employment was bringing whiskey for the officers; after that our regiment had no chaplain and we called it a good riddance; but other regiments had fine preachers, but the Mississippi brigade had the best chaplains in the army; they lived with the privates, took the same fare and preached at every opportunity. At Gordonsville an Episcopal preacher was assigned to our brigade. He went to reading his prayers, and at the first amen the boys arose from their knees and he soon learned to preach and pray without the book of prayer.

On the 5th of May we commenced to march toward the Wilderness. We stopped about 1 o'clock and went into camp, but during the night we were aroused and hurried to the front. We were marching by flank down the plank road, the 3d regiment in front, when minnie balls came flying up our lines. We were thrown across the road, four companies on the left and six on the right of the road. An order came to move to the right; six companies moved and four did not; we halted and was forming when Lee's troops came pouring through our lines; the Federals were at their heels; they passed in the open space where there were no troops. We were not through adjusting our lines when we were attacked on the left flank. Col. Nance had just told me to get my men in line and passed to the left when the federals opened fire. Col. Nance was killed; I was shot down, and a great many of our boys were killed and wounded. Our regiment was driven back and the Federals advanced over me. A lieutenant stood with his sword and would not let his men hurt me. They continued to advance, but our regiment had detained them long enough to let Gen. Humphreys form his brigade of Mississippi troops. Gen. Hancock passed near me on horse back. He had a large pistol in his right hand. I tried to get a gun so

that I could shoot him, but thought better of it. In a short time the Federals commenced to run, and they were making good time. Gen. Humphrey came up with his brigade and fired a solid volley over me which covered me with dirt and bark. I raised up and called Gen. Humphrey by name and told him the enemy were running. He moved his brigade up to me and asked how badly I was hurt. I told him my leg was broken. He examined my leg, got me two sticks and helped me up but found I could not walk; he called one of his captains and told him to put me behind the largest tree he could find; he (the captain) told me his name was Capt. Cherry, of the 21st Mississippi, bid me good bye, and then Gen. Humphrey moved his troops forward. My thigh was shattered at the hip and my wrist was shot. I asked a soldier to get me two guns, I wanted to use them as crutches, but he was a skulker and would not come to me. An officer got me the guns and helped me up, but I could not use them. Two Mississippi boys came along wounded in the arms. I asked them to assist me to the rear; they helped me up but I could not go with them. Finally two of the Mississippi ambulance corps came along, and when they found I had a first cousin in their regiment they carried me back so our ambulance corps could get me. I was carried back to Dr. Brown and forwarded by him to Dr. James Evans.

I will give a short sketch of hospital life in my next sketch.

X. Con. Fed.

## GIVES HIM A CHANCE.

An Act of Clemency to Be Commended.

[Columbia Record, March 31st.]

Last week the governor refused to issue a requisition on the governor of Kentucky for the return to this State of a white man named Ashley, who was wanted in Barnwell on the charge of breaking into the dispensary at that place. The man was a morphine fiend, and all the indications were that he was making an effort to reform and was succeeding splendidly. Owing to this fact and his previous good behavior, the governor concluded that it was best to pardon him the offense and allow him a chance to make a man of himself.

Sheriff Creech, of Barnwell, wrote to the governor today, fully endorsing his action in refusing to issue a requisition on the charge, but stating that he had another warrant for Ashley for horse stealing. Notwithstanding this, the governor has decided not to make requisition, because, in the first place, the stolen horse was returned to the owner, and, second, because of a letter he had received from Rev. William M. Bruce, of the rescue mission of Louisville, Ky. This gentleman has had Ashley under his care, and testifies that he is just about to get out of the hospital, where he has been for two months; that he is a changed man and realizes the distress that he has brought upon his wife and family, and is desirous of again making himself useful to them. Mr. Bruce asks that the governor withdraw the warrant, for he believes that to bring Ashley back now would not be to his good. Mr. Bruce also promises to secure him a position.

In view of the fact that nothing has been lost through the morphine actions of Ashley, and in the hope that he may be reclaimed entirely, the governor will not have him brought back, but will give him a chance to be a man.

## SENATOR JONES BEATEN.

Head of Democratic National Committee Defeated in His Own State.

Little Rock, Ark., March 31.—Returns from the Democratic primaries held Saturday show that ex-Gov. Clarke has been endorsed for United States Senator and that Gov. Davis has carried sixty five out of seventy-five counties of the State. At the headquarters of Senator Jones a telegram was received this morning announcing that Washington county, which it was supposed, would be for Jones, had gone for Clarke by nearly 800 majority.

## Won't Inquire Into Suffrage.

NO CHANCE FOR ADOPTION OF THE CRUMPACKER PLAN.

Can't Get the Support—Republicans Wary of the Proposition and Likely to Drop the Whole Business—Ten Days Fixed as the Time for Report of Resolution Have Passed.

Washington, April 1.—Notwithstanding reports to the contrary, there is a disposition among Republicans of the house to drop consideration of the resolution pending before the house committee on rules providing for the appointment of a special committee to consider the subject of suffrage in the South.

When the rules committee announced that the resolution had been agreed upon it was stated that the measure would be reported within 10 days thereafter. The 10 days have expired and no resolution has yet come from the committee.

It was reported a day or two ago that as soon as Representative Chas. H. Grosvenor, of Ohio, who was then in his home State, returned to Washington the resolution would be taken up. Gen. Grosvenor, who is now in Washington, is one of the most enthusiastic supporters of the proposed investigation among the Republicans, but when questioned he was unable to make any prediction as to when the matter is to be considered.

It is said that after a careful investigation of the situation the handful of Republicans who ask consideration have discovered that they cannot get a Republican majority in favor of the proposition and that they will, therefore, at the instance of the speaker, allow the subject to drop.

Representative Edward W. Pou, of North Carolina, who introduced the resolution providing for an investigation of the use of campaign funds during the last two Congressional and Presidential elections, says that he will do everything to secure consideration of his measure if the Crumpacker proposition is brought up.

## NOW FOR THE STATE FAIR.

The Committee on Premiums and Purses to Meet.

[The State, 2nd.]

The committees on prizes and awards for the State fair will meet in Charleston Wednesday of next week on the call of the chairman, Col. R. A. Love, of Chester. This committee will make up the premium list for the coming fair. The committee on races will also meet at that time, on the call of the chairman, Mr. R. P. Hamer, Jr., of Marion. Col. A. H. White of Rock Hill, the president of the association, and Col. T. W. Holloway of Pomaria, the secretary, will also be there.

The members of the committee on premium list are R. A. Love of Chester, T. J. Cunningham of Chester, A. T. Smythe of Charleston, J. G. Mobley of Fairfield, J. H. Wharton of Laurens, D. F. Efrid of Lexington and C. F. Moore of Bennettsville. The members of the committee on races are R. P. Hamer, Jr., C. F. Moore, B. F. Williamson of Darlington and A. T. Smythe of Charleston.

The fair was not a success last year. In 1900 it was a great success—financially and otherwise. A fair may be a financial success without being satisfactory in other ways. In 1900 there were 20,000 visitors in Columbia. Last year the attendance was very much less. But on account of the hard times, and on account of the approaching exposition in Charleston, there was not much money spent in trying to have the fair a big success. The purses for the races were unusually heavy and cost the association all of the proceeds from the other departments. The legislature has supplied this need, and has placed \$2,500 at the disposal of the association. This is regarded as a loan and will be refunded.

In speaking of the prospects of the fair, Col. Holloway said yesterday that they propose to have a good show and will have the people here if Columbia will do her part and take genuine interest in the fair.